

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28313 of 2008
RAJDEO DAS
Versus
THE STATE OF BIHAR

3. 9.9.2008 Heard.

The petitioner is the husband of the deceased and is not named in a case under section 302 of the Indian Penal Code. The petitioner undisputedly was residing in village Parseethua where he was employed as a teacher in some schools. There is none named in the F.I.R. and the allegation is that the deceased, who happened to be the sister of the informant was shot and killed. Her seven year old son Rupesh Kumar was also sleeping by her side and he woke up and informed his grandfather, who was sleeping in the adjoining room. The said Rupesh Kumar was examined in para-26 of the case diary and he had not named this petitioner.

Of course there is no material in the case diary and also in the statement of the witnesses. The petitioner and the deceased had a very strange relationship and that the petitioner was not shifting the deceased at his place of work but as regards the authorship of the offence, there could not be any material in the case diary which could be pointed out by the learned A.P.P.

Considering the above facts and circumstances of the case, let petitioner named above be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Dehri (Dalmia Nagar P.S. case no.45 of 2008.

(Dharnidhar Jha, J)

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